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October 23, 2015

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Courthouse
500 Pearl Street
New York, NY 10007

Re: Alpha Capital Anstalt v. Oxysure Systems, Inc.
15 CV 5443 (VM) (GWG)

Dear Judge Gorenstein:

We are attorneys representing Plaintiff Alpha Capital Anstalt ("Alpha Capital") in the captioned matter. At the hearing held on October 16, 2015 before Your Honor on Defendant Oxysure Systems, Inc.'s ("Oxysure") request for a protective order regarding certain of the documents requested by Alpha Capital in its First Request for Production of Documents, Your Honor directed the parties to submit proposed language for the order by today. Unfortunately, despite the efforts of counsel, we were unable to agree upon language for the order.

Attached hereto is Alpha Capital's suggested language which we believe succinctly and accurately covers all of the points raised and directed by Your Honor at the hearing. We respectfully request that Your Honor enter such order.

Respectfully submitted,

Kenneth A. Zitter

by fax: 212-805-4268
cc: Mazin Sbaiti, Esq. (by email)

1. Defendant Oxysure Systems, Inc. ("Oxysure") shall produce all documents requested in Plaintiff's First Request for Production of Documents, provided, however, that all Transaction Documents not already made public shall be subject to temporary protection limiting their use to this litigation only and all emails shall be subject to temporary protection limiting their use to "attorneys eyes only."
2. In the event Oxysure does not move for a protective order by October 30, 2015 with respect to the Transaction Documents and the emails, the temporary protection provided for in paragraph 1 shall be of no further force or effect. In the event Oxysure timely moves for a protective order, then the temporary protection provided for in paragraph 1 shall continue until further order of the Court.
3. The parties have agreed upon the search terms for emails to be produced by Oxysure. The parties have agreed that emails shall be produced with all attachments thereto.